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Federal Communications Commission
Office of the Secretary

VIA HAND DELIVERY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentation, Kristin Brooks Hope Center
Docket No. 07-271, 1-800-SUICIDE Assignment

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, the undersigned counsel hereby provides notice that on June 24, 2011, Kristin Brooks Hope Center's representatives met with the following individuals from the FCC in connection with the proceeding identified above: Austin Schlick, General Counsel; Richard Welch, Julie Veach, Diane Griffin Holland, and Raelynn Remy, Office of the General Counsel; and Lisa Gelb, Ann Stevens, and Michelle Sclater (via telephone), Wireline Competition Bureau. In attendance on behalf of the Kristin Brooks Hope Center were Steven A. Augustino and Barbara A. Miller, Kelley Drye & Warren LLP and H. Reese Butler, Founder.

During the meeting, KBHC argued that the Commission does not have either a factual or legal basis to depart from its first-come, first-served policy for the assignment of toll free numbers. In particular, KBHC noted that there is no imminent public safety emergency and no risk of disconnection of the numbers if they were returned to KBHC. KBHC argued that the D.C. Circuit's opinion in *Kristin Brooks Hope Center v. FCC*, 626 F.3d 586 (D.C. Cir. 2010) prohibits reliance upon (1) mental health services unrelated to the operation of the hotlines themselves, (2) the partnership with the Department of Veterans Affairs (which KBHC is ready and willing to provide anyway), or (3) past financial difficulties of KBHC. KBHC further argued that the Commission rejected comparative hearings for toll-free assignment and could not have meant § 52.111 to authorize such undertakings. Finally, KBHC stressed that this is the first and only case in which the FCC is asked to re-assign a toll-free number without the subscriber's consent

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and argued the petitioner faces an extraordinarily high burden to justify a departure from the policy. KBHC noted that SAMHSA admits it could support the toll-free numbers through other means if it chose to do so, that it does not need to be the subscriber of record to provide support or funding and that its services to support the crisis response centers do not depend upon SAMHSA being the subscriber of record. SAMHSA has not provided the basis for Commission action here. Accordingly, the only lawful outcome is to return the toll-free numbers to KBHC promptly.

Sincerely,



Steven A. Augustino

SAA:pab

cc (via e-mail):

Austin Schlick
Richard Welch
Julie Veach
Diane Griffin Holland
Raeylnn Remy
Lisa Gelb
Ann Stevens
Michelle Sclater